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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
21,387,720	07/21/97	BRADY	10102

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21,387,720

EXAMINER

GRIFIN, S

ART UNIT

PAPER NUMBER

1731

DATE MAILED: 08/11/98

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action SummaryApplication No.
08/897,713Applicant(s)
Brauer et al.Examiner
Steven P. GriffinGroup Art Unit
1731☒ Responsive to communication(s) filed on 7-21-97, 10-14-97 and 3-13-98☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.☒ Claim(s) 1-19 is/are rejected.☐ Claim(s) _____ is/are objected to.☐ Claims _____ are subject to restriction or election requirement.**Application Papers**☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on _____ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.☒ The specification is objected to by the Examiner.☒ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been☒ received.☐ received in Application No. (Series Code/Serial Number) _____☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 5☐ Interview Summary, PTO-413☒ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

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DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

The specification to which the oath or declaration is directed has not been adequately identified. See MPEP § 601.01(a).

The declaration which was filed on 10-14-97 indicates that the specification "is attached hereto" by x'ing in the "is attached hereto" box when the specification which the declaration should refer to should refer to the specification filed on 7-21-97 as Serial No. 08/897,713.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "feed device", "take-off device", "heating means", "electrical heating element", "burner", "laser", and "heat shield" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

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3. Applicant is required to submit a proposed drawing correction in reply to this Office action. However, formal correction of the noted defect can be deferred until the application is allowed by the examiner.

Specification

4. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 250 words. It is important that the abstract not exceed 250 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

5. The abstract of the disclosure is objected to because of the use of legal phraseology, see particularly "means" (line 11). Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to because of the following informalities: Page 12, line 12, "Figurecally" appears incorrect..

Appropriate correction is required.

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Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 6, "the determined cross-sectional geometry" lacks antecedent basis and is not clear what element it is referring to when it refers to the determined cross-sectional geometry, it should be rewritten as --a determined cross-sectional geometry of the component-- in order to overcome this. Claim 1, line 10, --determined-- should be inserted before "cross" in order to provide a nexus to the previously recited geometry as they are believed to be referring to the same geometries.

Claim 7, line 2, --of said component-- should be inserted after "geometry" (first occurrence) in order to clarify what geometry of what element it is referring to.

Claim 9, line 2, "said drawing direction" and "the drawing direction" lack antecedent basis, "said" should be changed to --a-- in order to overcome this.

Claim 10, line 2, "the glass composition" lacks antecedent basis, "the" should be changed to --a--.

Claim 18, lines 2-3, "the circumferential direction" is not clear as to what element the circumferential direction is being taken of.

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Claim 19, line 4, "the circumferential direction" is not clear what element the circumferential direction is being taken of.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-2, 5, 9-11, 14-16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Loxley et al. 3,652,248.

Loxley discloses a process and apparatus for drawing glass rods wherein a cylindrical silica glass rod T is fed through the heating unit A by rollers or the like to soften the rod which is then drawn to a smaller diameter by drawing rolls 18 and 19 to form a cylindrical component which as a smaller diameter than the rod T. Loxley further discloses cooling the component, after it has been drawn down to a smaller diameter, utilizing the nozzles 27 which apply cooling air to the drawn component to cool the component. Loxley further discloses the apparatus as comprising a thickness gauge G which measures the thickness of the drawn component and that the gauge can be used to permit better regulation of air and fuel flow to the better control the size of the component (col. 3, lines 66-75) which clearly suggests that the gauge provides for a determination of the size of the component to be made and thus any deviation from the desired

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size to be determined and in response to this deviation it allows for the cooling and heating to be controlled as a function of this deviation. Regarding the cooling being over only a part of the circumference of the component and the deformation zone of the component it can be seen in Fig. 2 that the cooling nozzles are shown on opposite sides of the component thus cooling is over only a part of the circumference. Regarding claim 5 and 14-15, see the opposed nozzles in Fig. 2 and col. 4, lines 6-34. Regarding claim 9, see Fig. 2. Regarding claim 16, col. 4, lines 6-34, discloses that the nozzles 27 can be provided as a ring of individual nozzles around the circumference of the component. Regarding claim 18, Loxley discloses that the nozzles can be adjusted and moved or bent in various directions to achieve the optimum results therefrom, see col. 5, lines 62-73, thus it is considered that the nozzles of Loxley can be move longitudinally and circumferentially.

Allowable Subject Matter

11. Claims 3-4, 6-8, 12-13, 17 and 19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter: The primary reason for the indication of allowable subject matter in claims 3 and 12 is that the prior art fails to disclose or suggest the method and apparatus wherein the deformation area is locally heated by a means of one of electric heating elements, flame and a laser beam as a function of the

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deviation of the cross-sectional geometry from the nominal geometry. The primary reason for the indication of allowable subject matter in claims 4 and 13 is that the prior art fails to disclose or suggest the method and apparatus wherein the local cooling is by means of heat shields. The primary reason for the indication of allowable subject matter in claim 6 is that the prior art fails to disclose or suggest the method having a step of shifting at least one of the deformation areas around the circumference of the deformation zone as a function of the determined change over time in the cross-sectional geometry of the component. The primary reason for the indication of allowable subject matter in claim 7 is that the prior art fails to disclose or suggest the method wherein the local heating or cooling is performed automatically as a function of the size and location of the deviation. The primary reason for the indication of allowable subject matter in claim 17 is that the prior art fails to disclose or suggest the heating and/or cooling means inside of the heating device. The primary reason for the indication of allowable subject matter in claim 19 is that the prior art fails to disclose or suggest the apparatus wherein the local heating or cooling is connected to an automatic control device and as a function of a control signal from the control device the means can be moved in the direction of the longitudinal axis of the component and adjusted in the circumferential direction.

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Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Strack, Yoshimura et al., Harding, Imoto et al., and Smith disclose various control devices and/or drawing devices which are deemed applicable to the instant invention.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P. Griffin whose telephone number is (703) 308-1164. The examiner can normally be reached on Monday-Thursday from 6:30 AM-4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stan Silverman, can be reached on (703) 308-3837. All official faxes for this Group should be directed to fax phone numbers (703) 305-3599 or 7718, any unofficial faxes should be directed to fax phone number (703) 305-7115.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661.

Steven P. Griffin
STEVEN P. GRIFFIN
PRIMARY EXAMINER
ART UNIT 1731
8-12-98

SPG
August 12, 1998